## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

AUG 3 1 2012

JULIA CADUDLEY CLERK

UNITED STATES OF AMERICA

Case No. 4:00-cr-70114-1

v.

**§ 2255 ORDER** 

ARTHUR OUTLAW, Petitioner.

By: Hon. Jackson L. Kiser

Senior United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

## **ORDERED**

that petitioner's "Petition for Equitable Tolling and Review Under Actual Innocence (ECF no. 97) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk shall **OPEN** a new action for this § 2255 motion; this new action is **DISMISSED without prejudice** as a successive § 2255 motion; petitioner's motion to appoint counsel is **DENIED**; a certificate of appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner and to counsel of record for the United States.

ENTER: This 3131 day of August, 2012.

Senior United States District Judge